SEMINAR GUIDE: THE ROLE OF THE SOLICITOR

**Why this guide?**

Students who are not actively participating in oral advocacy have sometimes disengaged from the seminar/court process. This guide helps frame your role as a seminar participant who is not appearing at the bar table – i.e. the ‘solicitor’.

Remember, seminar case-files will be randomly allocated as your exam moot question. As solicitors you have a vital role to play in recording proceedings, discussing and de-briefing after the seminar. In fact seminars should be treated like brainstorming sessions for the final appearance in court at the end of semester.

**Be engaged for the entire seminar**

It will really help if you turn up, contribute to the seminar and encourage others to share their views. Whilst you know which side you are representing in the seminar moot, you do not know what side you will represent in your final moot exam. More to the point, being a good advocate requires that you predict and respond to arguments that the other side will make. Even if one position seems the more compelling, or easier to argue, you may find you have to defend the opposite position in Court- that is what being a lawyer is about!

**Take notes**

The most important thing you can do is take notes about the seminar to add to your case file. Don’t just write a transcript; that won’t be helpful in the short period you have to prepare for your final appearance (moot). You need to select the important arguments made by each counsel, the questions and follow up questions by the judge, and any counter arguments made by opposing counsel. You should also take notes about your own counsel’s arguments, especially those arguments that appeared to need strengthening.

**Consider and re-consider the issues**

In your final exam moot it will be up to your firm, as a whole to formulate the issues. This will be done by the pleading (appealing) side setting out the main grounds of appeal and dividing them between a senior and junior counsel (10 minutes each). The responding side will need to mirror those grounds in their opposition to the pleading case.

As a solicitor you should consider how the issues might be reformulated, clarified or restated. You may consider that some issues are dropped altogether. It is important not to leave such analysis to the end. You should be able to formulate grounds and responses for either side.
Generate discussion

The second session in every seminar is dedicated to class discussion. The judge will only facilitate this discussion not lead it, or provide answers to the moot question. It is generally up to the solicitors to start and maintain conversation during this session. Some students have historically been reluctant to participate in the discussion out of concern they may be ‘giving answers away’ to other firms.

You should remember that your final moot will involve only members of your firm (divided into sub firms). You are not competing with other members of the seminar (who have no involvement in your final assessment), nor, indeed, members of your firm (who you will be expected to collaborate with). The discussion session is a great way to ‘sandbox’ ideas, arguments and counter-arguments. The more discussion the better for you and your firm. While some students may not have worked as hard as you, or thought of your ideas, the minimal benefits to them in you voicing them is outweighed by the benefits to you from collective feedback about your ideas and arguments. In fact if no one has much to say, then it means your position is a little more solid. As a solicitor it is your role to generate that collective feedback and discussion about your firms’ arguments and record any discussion on your case file.